

**MACo DISTRICTS 8, 9, & 12 MEETING  
THURSDAY, JUNE 14, 2007  
SEARCH & RESCUE BUILDING  
1000 HIGHWAY 41 – DILLON, MT  
10:00 A.M.**

**MINUTES**

Welcome and Introductions: Tim Rice, Beaverhead County opened the meeting and introductions were given. The following counties were present:

<b><u>District #8</u></b>	<b><u>District #9</u></b>	<b><u>District #12</u></b>
Tom Lythgoe, Chair	Bernie, Lucas, Chair	Tom Rice, Chair
Broadwater County	Gallatin County	Beaverhead County
Jefferson County	Meagher County	Granite County
Lewis & Clark County	Park County	Madison County
		Powell County

**Approval of Minutes**

It was moved, seconded, and carried that the June 2, 2007 minutes be approved. The August 25, 2006 minutes will be presented at the May 8, 2008 meeting.

**MACo FY 2008 Proposed Budget – Harold Blattie**

The budget and revenue expense reports that were distributed before the meeting were reviewed and discussed. The MACo dues schedule was reviewed and discussed. The MACo dues are generally billed right after July 1.

Montana's total PILT monies decreased \$83,000 this year. The PILT payments have to be made by the end of the fiscal year. The last five years the payments have been received in June. It was suggested that the counties use the same amount of anticipated revenues as last year.

The entitlement monies increased \$1,025,447.92

**MACo Affiliate and Associate Membership Program – Sheryl Wood**

Last year at the MACo annual conference a bylaw change was approved to add an associate membership program. This last year MACo has been taking a close look at this program. At the Board meeting proposals for the associate and affiliate programs to enhance the revenues of the association will be presented. Currently there is an affiliate membership program that encompasses state

agencies, non-profit organizations, other state associations, and private corporate industries. For \$250 these affiliates receive the directory, the newsletter, newsletter advertising, and other benefits the Board has approved. Creative ways had to be found to fund the increase in expenses without increasing dues and without increasing registration fees at conferences. In the sponsorship program the associate membership will be the corporation and the affiliate side will be clerk and recorders, treasurers, state agencies, etc. They will still have a smaller fee to get the directory, newsletter, etc. There will be one membership program for corporations ranging from the \$250 minimum up to \$5,000-\$10,000. This program will be structured by benefit levels. The upper level will be merged into a conference sponsor, etc. Instead of having a marketing program in July for membership and a marketing program in August for sponsorship for the conference, MACo would be better served by just having a membership program to raise the revenues. Several examples were given of different sources of revenue that MACo is proposing to pursue to help keep expenses down. If this proposal is approved MACo will start actively marketing in July. The Commissioners were asked to support the vendors that support MACo.

#### Nominations – MACo 2<sup>nd</sup> Vice-President – Harold Blattie

Districts 4 and 6 nominated Vic Miller and Joe Briggs. Districts 1, 2, & 3 nominated Carl Seilstad. Districts 10 and 11 nominated Marianne Roose.

Nominations were called for this position, but no nominations were made.

#### Nominations – MACo Fiscal Officer – Harold Blattie

Districts 4, 5, 6 and 7 nominated Allen Underdal for another two-year term. The Commissioners were asked to keep in mind that in the Bylaws it states that two people have to be nominated for this position. Nominations were called for this position, but no nominations were made.

#### Association Staff Report – Harold Blattie & Sheryl Wood

Legislative Report:

##### *MACo Legislative Issues:*

The legislative handout was reviewed.

HB 12 County Attorney Salaries: This bill essentially establishes a contract between the County and the State. For each county and consolidated government with a full-time county attorney, the amount paid each fiscal year must be equal to 50% of 85% of a district court judge's salary plus an amount equal to 50% of the employer contribution for group benefits. Counties with part-time county attorneys the salaries would be pro-rated. The counties will be responsible for

100% pay of the salary. The Compensation Board and Commissioners need to decide the amount of the salary. The State will pay the counties directly.

HB 206 – Revise County Mill Levy Elections: This bill gives the counties the option on how to word the ballot language, i.e. approximate dollars or approximate mills. The governing body may reduce an approved a levy in any fiscal year without losing the authority to impose in a subsequent fiscal year up to the maximum amount or number of mills approved in the election. However, nothing in this subsection authorizes a governing body to impose more than the approved levy in any fiscal year or to extend the duration of the approved levy.

HB 207 – Revise Time of Oath for County Officials: Officials can take the oath of office on or before the last business day of December.

HB 729 – Amend County Advertising Requirements. The advertising required by law must be awarded to a newspaper, that prior to July 1 of each year, has submitted to the clerk and recorder a sworn statement that includes: circulation for the prior 12 months; a statement of net distribution; itemization of the circulation that is paid and that is free; and the method of distribution.

Other House Bills and Senate bills were reviewed.

#### Rural Landscape Institute – Harold Blattie

A Rural Landscape Institute handout was reviewed. There has been a good response to the DVD, which is available to realtors. The Commissioners were urged to have extension agents and planners review the DVD.

#### NACo/MACo Prescription Drug card

The cards can be obtained through either NACo or MACo. The cards provide discounts on prescriptions that are not covered under health insurance and these cards can also be used for animal prescriptions. The counties will be emailed a spreadsheet with data showing the savings that these cards provide.

#### MACo/JPIA County Solid Waste Site Workshop

A handout regarding claims for people falling in solid waste collection sites was reviewed. The building codes site that separation is 42 inches. There is a MACo loss control meeting next Thursday regarding this topic. The Commissioners were asked to comply with the building codes for solid waste sites to reduce liability. Individual site assessments will be done and recommendations for compliance will be made.

### Local Agents Involved in Loss Control

MACo Joint Powers Insurance Authority (JPIA) Workers' Compensation Pool Board of Trustees approving the involvement of local independent agents in loss control was discussed. The counties are not required to have the local agent participate in county loss control; it is totally voluntary. This program is not the same as the "On Track Program".

### Letter and data from Chief Justice Karla M. Gray

The letter and data regarding the workload assessment study done on District Courts was reviewed. The system is overloaded and additional district courts are being created. The counties will have to deal with extra costs for housing the courts, courtroom security, etc. A few Commissioners related what they are doing to meet the requirements for additional district courts, i.e. night court.

### Nationwide Retirement Solutions

NACo's deferred compensation program is Nationwide Retirement Solutions. There was a study on how best to serve Montana and this program was still found to be the best program available.

### U.S Communities Cooperative Purchasing Program

MACo would like to have the counties start using this program. The marketing program gives portions of investment earnings to MACo through NACo.

### Inmate Medical Insurance

Correction Risk Services will review the bills of inmates, will identify any overcharges, and will negotiate directly with the provider. If there are any savings, Correction Services will get 15 percent of the savings. The major medical deductible for inmates is \$10,000. Correction Services will be provided with an inmate census once per month.

Tom Rice recessed the meeting for the lunch break and at 1:08 p.m. reconvened the meeting.

### Other items:

The Commissioners were informed that grants for polling place accessibility are administered by the Secretary of State Advocacy Program Committee. There is a vacancy on this committee and someone is needed that would represent the counties interests. If any one is interested in this position they are to notify MACo.

Next week there is a Wildland Fire Leadership National Council meeting. There is a supervisor from California who will represent NACO on the Council. There is an indication that the intention of the administration is to push wildland fire costs to the local landowners in the jurisdictions that don't have control to mitigate wildland urban impact. Montana law does preclude the counties from doing some of the mitigation. Harold will be attending the meetings on this issue.

#### Waters of the U.S.:

Handouts were reviewed. Legislative efforts to address the jurisdictional scope of the Clean Water Act includes a proposal to eliminate the word "navigable" from the Clean Water Act and replace it with the new definition of the term "waters of the United States." This would require obtaining permits for road grading, etc. The Commissioners were referred to the NACo website regarding this issue. MACo is going to monitor this issue.

When the MACo Districts met in Geyser a motion was approved to investigate the possibility of creating an associate director's position to deal with national resource issues. At the Geyser meeting Harold was directed to do a preliminary budget for this position.

#### 2010 Census – Local Update of Census Addresses (LUCA)

Handouts were reviewed. Sheryl updated the Commissioners on this topic. The Census is addressed based and it is very important every county's census is accurate. It costs Montana \$165 per person each year for 10 years if the count is not accurate. The Commissioners were urged to get involved in the 2010 Census Planning.

#### Interoperability Montana Project -: Edward Szczypinski, from the MSU Local Government Center

##### Interoperability Montana Project:

This system will give public safety officials the ability to share information via voice and data signals on demand, in real time, and when needed. Active partners: Federal: Department of the Interior, Department of Defense- Air Force, Department of Justice – FBI. State: Department of Administration, Department of Corrections, Department of Fish, Wildlife, and Parks, Department of Transportation, Department of Public Health and Human Services, Department of Justice – Montana Highway Patrol, and Military Affairs – Montana National Guard. A history of this project was given. A grassroots approach has been taken with this project. MSU helped the government to create an organization structure and find funding sources for this project. MSU is developing a quarterly

Montana Policy review and the review should be completed by the end of the month. An overview of this project was given.

#### E911 Program - Chris Christiansen

A handout was reviewed. HB27 Established wireless enhanced 9-1-1 Systems. This bill will be effective July 1, 2007. The fees will be returned on or before the last day of the month following the end of each calendar quarter. The bill established requirements regarding applications for reimbursement for allowable costs to carriers. The operation of E911 was reviewed.

#### Montana DNRC – Legislative Report – Gary Williams:

An overview of the following bills was given:

SB 51 – Requires that if counties have growth policies, the policy must address wildland fire potential and if a county does have a policy the wildland urban interface areas need to be identified.

SB 145 – Revise Wildfire protection laws: Establishes a statewide fire policy and revises wildfire protection laws. Requires all property to be covered by some fire protection agency. Requires the landowners to manage national resources to reduce fire hazards. Requires the DNRC to establish rules that address wildland urban interface areas. The DNRC is to work with the federal agencies and encourage them to manage fire risks. The bill raises the cap on the assessment to landowners.

SB 147 - Authorize restrictions on open fire hazard area activities: Clarifies county commission authority during emergencies or high fire danger. The commission can designate high fire hazards, control ingress and egress, and implement fire restrictions.

#### 60<sup>th</sup> Legislative Session Recap – Harold Blattie and Sheryl Wood

HJ 10 – Joint Resolution revising fire statutes: Six bills came from this resolution and they all passed.

SB 130 – Revise laws governing governmental fire agencies: This is a rewrite of local fire laws.

SB 51 - Revise land use laws concerning fire and wildland fire: This bill was brought by the Department of Natural Resources and Conservation. (See paragraph under DNRC.)

Most funding bills and land use bills did not pass and there will be no interim study of land use law this interim.

SB 345 – Waterway setbacks for construction: The bill was killed. It was felt that determinations on these matters are best done locally on a case-by-case basis.

HB 583, HB 201, HB 557 - Gravel Pits: Establish a fee structure for permitting and monitoring. Would have changed the application process, which would subject the counties to significant fees in gravel pit operation. HB201 and HB557 died. GB 573 passed with provisions. Language was removed that would have caused the counties problems. The Department of Environmental Quality (DEQ) is trying to enforce the Environmental Protection Act. The Commissioners were updated as to MACo's relationship with the DEQ.

HB 529, H B8, HB 10, & SB 5 - New and Expanding Business Equipment Tax Bills: None of these tax bills passed.

HB 832 – Revise tax increment financing law – targeted economic development: Died in standing.

Harold gave a synopsis of several property tax relief proposals.

HB 487 – Revise threshold for local government audit: This bill exempted a large number of agencies from an audit, i.e. school districts. The Office of Public Instruction or the Department of Administration will do financial reviews for those agencies not required to be audited. Norm Kline is retiring and the next person in line has 14 months of experience.

SB 78 – Clarify stream access from bridges and HB 642 - Define county road bridge easements, provide use for stream access with conditions, both died in standing.

Several impact fee bills were not passed.

A synopsis of a bill regarding revenue to deal with impact of oil development in the eastern counties was given. The bill was vetoed by the Governor and was not over ridden.

SB 550 – Revise local government study commission laws and tax provisions: This bill restored some permissive levy authority. Passed.

#### Interim Committee Activities – Sheryl Wood:

Information on interim committees is on the Legislative website. The Commissioners were asked to monitor the committees.

SB 89 - Accommodations have to be made for breast-feeding mothers. The area used can be a partitioned area. It was suggested that the counties work with



their local health officer. Commissioner Ed Tinsley gave a report on breast-feeding mothers.

HB 372 – Revise County Treasurer salary: At the discretion of the commissioners and compensation boards the county treasurers can be given up to \$2,000 for additional motor vehicle registration duties.

HB 131 – Actuarial funding form MPERA retirement system: Increases public employer retirement rates and sheriff rates. Starts July 1, 2007. There is no teacher increase. MACo opposed this bill.

HB 62 – Authorize contributions of annual leave to sick leave fund providing that donated vacation leave is not eligible for cash compensation upon termination

SB 168 – Transfer public employee accrued leave into post-retirement health care account. Allows conversion of the employee's unused vacation leave balance to an employer contribution employee welfare benefit plan health care expense trust account. Unused sick leave balances may be converted, in whole or in part, to an employer contribution to the member's account. For those amounts of sick leave not converted to employer contributions, the balance is allocated as required. For this program the state needs to file a new IRS exemption. It is hoped that this program will be in place for the December 2007 retirees. Each group has to vote.

HB 382 – Establish mental health courts: This bill passed, but no funding was authorized.

Another issue discussed was the transportation of the mentally ill by law enforcement officers. Under this bill, the officer would not be allowed to restrain the client during transport unless the officer writes a report as to why the client had to be restrained. It was negotiated that if the bill was not introduced, a program for officer enhanced training regarding this matter will be implemented. The Interim Committee has requested county health insurance coverage and rates. The Commissioners were asked for help on this matter.

SB 33 – Procedures governing social security numbers and computer security breaches: This bill died in standing. This bill required each county and political subdivision to review documents, paper and electronic, by July 1, 2008 and have a written plan on how to protect constituents' information. This is a nationwide issue. MACo is going to start working on the matter by developing a task force and a model plan. The counties need to start working on this matter.

An interim committee is doing a study of the election system and election laws.



It was noted what a tremendous job Harold and Sheryl did during the Legislative session.

#### Special Session Recap – Sheryl Wood:

MACo had a good relationship with everyone. The Legislators understood that MACo works for their constituents. There was no loss of funding for counties.

Sheryl thanked the Executive Committee for its incredible amount of help during the Legislative session.

#### MACo Board of Directors Report – Mike McGinley, MACo 2<sup>nd</sup> Vice-president

The Board is working on the complexity of the MACo organization and the trust pools, i.e. the office structure setup.

#### District Issues:

2009 Legislative Resolutions – There were no resolutions or discussions.

Other – Harold suggested that an August meeting not be held, but if the Districts would like to meet in August, he would try to attend.

#### Montana Department of Transportation

Statewide Transportation Improvement Program (STIP) – Gary Larsen:

Program documents were distributed and reviewed. Information included was the amount of tax dollars being spent in the next three years on projects. The phases of the projects and how the documents were organized were explained. The counties should receive the final documents within a few days. By Federal regulations, if a project is not in the document and funds are not obligated, work cannot be done on the project. The Transportation Plan is in the process of being redone and should be completed by the end of August or the first of September. Questions were asked and answered.

Secondary Roads – Wayne Noem:

Packets with information regarding the program were distributed and reviewed. The information included the projects that have been nominated and that are in the process of being constructed. Discussion included the re-scoping of projects, emergency projects, off-system bridges, and Forest Service projects. Questions were asked and answered.

It was moved and seconded that the meeting be adjourned. The meeting was adjourned at 4:20 p.m.